

# SENATE BILL 95

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(PRE-FILED)

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By: **Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Agriculture)**

Requested: October 29, 2009

Introduced and read first time: January 13, 2010

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Agricultural Land Preservation Foundation – Farmland**  
3 **Preservation Partnership Program**

4 FOR the purpose of authorizing the Maryland Agricultural Land Preservation  
5 Foundation to establish a Farmland Preservation Partnership Program to  
6 purchase certain agricultural preservation easements under certain  
7 circumstances; requiring the Foundation to develop certain criteria for  
8 participation in the Partnership Program; altering the date for the submission  
9 of a certain annual report to the Governor and the General Assembly by the  
10 Foundation; and generally relating to the Maryland Agricultural Land  
11 Preservation Foundation.

12 BY repealing and reenacting, with amendments,  
13 Article – Agriculture  
14 Section 2–506  
15 Annotated Code of Maryland  
16 (2007 Replacement Volume and 2009 Supplement)

17 BY adding to  
18 Article – Agriculture  
19 Section 2–517.1  
20 Annotated Code of Maryland  
21 (2007 Replacement Volume and 2009 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
23 MARYLAND, That the Laws of Maryland read as follows:

24 **Article – Agriculture**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 2-506.

2 The Foundation on or before [November 1] **JANUARY 15** of each year, shall  
3 transmit to the Governor and, subject to § 2-1246 of the State Government Article, to  
4 the General Assembly a report of the Foundation's proceedings and activity for the  
5 preceding fiscal year, including an inventory of all easements or other interests in  
6 agricultural land and woodland acquired during that time, and including a report on  
7 the condition of the Maryland Agricultural Land Preservation Fund.

8 **2-517.1.**

9 **(A) (1) (I) THE FOUNDATION MAY ESTABLISH A FARMLAND**  
10 **PRESERVATION PARTNERSHIP PROGRAM THAT IS GOVERNED BY THE**  
11 **REQUIREMENTS OF THIS SECTION.**

12 **(II) THE OBJECTIVE OF THE PARTNERSHIP PROGRAM IS TO**  
13 **PRESERVE PRODUCTIVE AGRICULTURAL AND FORESTED LANDS.**

14 **(2) (I) THE FOUNDATION MAY FORM PARTNERSHIPS FOR THE**  
15 **PURPOSE OF PURCHASING EASEMENTS ON QUALIFYING PROPERTIES.**

16 **(II) THE FOUNDATION'S PARTNERS SHALL COVER THE FULL**  
17 **PURCHASE PRICE, WHICH MAY INCLUDE THE ADMINISTRATIVE COSTS OF ANY**  
18 **EASEMENT FOR WHICH THE FOUNDATION WILL BE THE GRANTEE OR THE**  
19 **CO-GRANTEE.**

20 **(III) THE PROPERTIES THAT QUALIFY FOR THE**  
21 **PARTNERSHIP PROGRAM SHALL MEET THE CRITERIA DEVELOPED BY THE**  
22 **FOUNDATION IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION.**

23 **(B) (1) THE FOUNDATION SHALL DEVELOP CRITERIA THAT**  
24 **DETERMINE WHEN A FARM QUALIFIES FOR THE PARTNERSHIP PROGRAM.**

25 **(2) AT A MINIMUM, ANY QUALIFYING FARM SHALL:**

26 **(I) MEET THE FOUNDATION'S SIZE CRITERIA;**

27 **(II) AS DETERMINED BY THE FOUNDATION, CONTAIN**  
28 **SIGNIFICANT PRODUCTIVE AGRICULTURAL SOIL OR FOREST SOIL; AND**

29 **(III) BE APPROVED FOR PARTICIPATION IN THE**  
30 **PARTNERSHIP PROGRAM BY THE GOVERNING BODY OF THE LOCAL**  
31 **JURISDICTION IN WHICH THE PROPERTY IS LOCATED.**

1           **(C) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, AN**  
2 **EASEMENT ACQUIRED BY THE FOUNDATION IN ACCORDANCE WITH THIS**  
3 **SECTION IS NOT SUBJECT TO THE RANKING, VALUATION, OR DEVELOPMENT**  
4 **RESTRICTIONS OF THIS SUBTITLE, EXCEPT AS DETERMINED BY THE**  
5 **FOUNDATION'S BOARD OF TRUSTEES.**

6           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
7 October 1, 2010.